

NINTH JUDICIAL DISTRICT COURT
CURRY COUNTY
STATE OF NEW MEXICO

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

APR 18 2012

RAYMOND GONZALEZ,
PETITIONER

MATTHEW J. DYKMAN
CLERK

Vs.

ERASMO BRAVO, WARDEN
STATE OF NEW MEXICO
RESPONDENTS

D/C # CF-07-00671

FED. # 11-cv-0686 MCA/SMV

MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW PETITIONER PRO SE AND FILES THIS MOTION PURSUANT TO RULE 5-802 (E) (2) AND ADVISES THE COURT OF THE FOLLOWING:

- 1) PETITIONER FILED A 28 U.S.C. § 2254 FEDERAL HABEAS PETITION IN THE UNITED STATES DISTRICT COURT.
- 2) THE DISTRICT COURT AND THE STATE BROUGHT THE ARGUMENT THAT PETITIONER FILED A MIXED PETITION (EXHAUSTED AND UNEXHAUSTED CLAIMS)
- 3) ON FEBRUARY 27TH 2012. PETITIONER FILED A MOTION TO HOLD IN ABEYANCE IN THE FEDERAL COURT AND THE MOTION WAS "GRANTED" SEE ATTACHED
- 4) PETITIONER INFORMS THE COURT THAT THE UNEXHAUSTED CLAIMS THAT NEED TO BE FILED IN THE STATE COURTS ARE TOO COMPLICATED AND ALSO AN INTENSIVE RESEARCH AND INVESTIGATION

AND INTERVIEWS OF THE D.E.A AND MILITARY AGENTS AS WELL AS THE CLOVIS POLICE WHICH MAY HAVE EXCULPATORY WITNESS TESTIMONY NEED TO BE CONDUCTED BEFORE A WELL PLEADED STATE HABEAS PETITION CAN BE FILED.

6) PETITIONER NEITHER HAS THE KNOWLEDGE NOR THE ACCESS TO STATE WITNESSES TO INTERVIEW THEM.

6) ONE OF THE COMPLEX ISSUES THAT NEEDS TO BE INVESTIGATED IS THE "POSSE COMITATUS ACT" CLAIM THAT PETITIONER NEEDS TO FILE.

7) ANOTHER MAJOR PROBLEM PETITIONER ENCOUNTERS AT THIS PRISON FACILITY IS: HE HAS THE CD'S OF THE TRIAL TRANSCRIPTS AND THIS FACILITY HAS NO ELECTRONIC DEVICE TO LISTEN TO THEM.

8) PETITIONER HAS ENCLOSED A REQUEST THAT HE WROTE TO THE FACILITY LEGAL ACCESS PROGRAM TO PROVIDE A DEVICE TO LISTEN TO THE CD'S (SEE INMATE REQUEST ENCLOSED)

9) AND THE OTHER INHERENT CRITICAL PROBLEM PETITIONER IS FACING IS FIRST OF ALL HE "DOESN'T" KNOW HOW TO FILE A HABEAS PETITION. SECOND OF ALL THERE IS NOT A SINGLE JAILHOUSE LAWYER WHO KNOWS ANYTHING ABOUT THE "POSSE COMITATUS" ISSUES, THAT ARE SO COMPLEX THAT EVEN A COMPETENT ATTORNEY WOULD HAVE TO CONDUCT A THOROUGH INVESTIGATION TO COMPREHEND THIS "ACT".

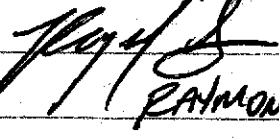
- 10) ALSO THERE IS NO LITERATURE ABOUT THE "POSSE-COMITATUS" AT THIS FACILITIES LEGAL ACCESS PROGRAM.

THEREFORE TAKING ALL OF THESE INHERENT PROBLEMS INTO CONSIDERATION IT IS IMPOSSIBLE FOR PETITIONER TO FILE A STATE HABEAS PETITION ON THE UNEXHAUSTED ISSUES IN A TIMELY MANNER WITH SUPPORTING FACTS BEFORE PETITIONER CAN PROCEED HIS CLAIMS WHICH ARE CURRENTLY PENDING IN THE FEDERAL COURT.

WHEREFORE, PETITIONER HUMBLY REQUEST IN THE INTEREST OF JUSTICE FOR THIS COURT TO APPOINT A PUBLIC DEFENDER COUNSEL WHO WILL BE ABLE TO INVESTIGATE AND PREPARE A WELL PLEADED STATE HABEAS PETITION ON THE UNEXHAUSTED CLAIMS. THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

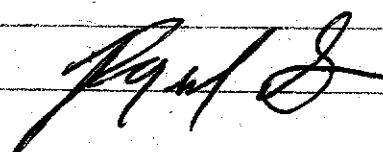
A COPY OF THIS MOTION
WAS MAILED ON APRIL
16TH 2012, TO THE DISTRICT
ATTORNEY, CURRY COUNTY AND
ALSO TO THE UNITED STATES
DISTRICT COURT IN ALB. N.M.

SINCERELY,



RAYMOND N. GONZALEZ

04/16/2012

 04/16/2012

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RAYMOND M. GONZALES,

Petitioner,

v.

Case No. 11-cv-0686 MCA/SMV

ERASMO BRAVO, Warden,
Guadalupe Correctional Facility, and
ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO,

Respondents.

ORDER GRANTING PETITIONER'S MOTION TO HOLD IN ABEYANCE

THIS MATTER is before the Court on Petitioner's Motion to Hold in Abeyance This Petition to Further Exhaust State Claims [Doc. 20] ("Motion"). Petitioner requests that this action be stayed pending exhaustion of his state-court remedies. *Id.* Respondents did not respond to the Motion, and such failure to respond is deemed consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b). Furthermore, Respondents themselves have previously suggested this remedy. Respondents' Answer to Petition for Writ of Habeas Corpus (28 U.S.C. § 2254) [Doc. 10] ("Answer") at 11.

Accordingly, the Court, having considered the Motion, the lack of the response in opposition, the record, the relevant law, and being otherwise informed, FINDS that the Motion is well-taken and should be GRANTED.

IT IS THEREFORE ORDERED that Petitioner's Motion to Hold in Abeyance This Petition to Further Exhaust State Claims [Doc. 20] is **GRANTED**.



U.S. District Court District of New Mexico

Document Summary

Case Title:

Gonzales v. Bravo

Case Number:

1:11-cv-00686-MCA-SMV

Document Information

Number:

22

Description:

ORDER by Magistrate Judge Stephan M. Vidmar GRANTING [20] Motion to Hold In Abeyance and STAYING this action while Petitioner exhausts his state-court remedies. (am)

Size:

27533

Date Filed:

Tuesday, April 03, 2012

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For questions regarding this transmission, please contact the Court's HelpDesk via phone at (505)348-2075 or via email at cmecf@nmcourt.fed.us.

RECEIVED
APR 12 2012

NEW MEXICO
CORRECTIONS DEPARTMENT
Inmate Request for Legal Access

BY: E

Please PRINT information in all areas clearly. Use BLACK INK and PRESS FIRMLY.

INMATE NAME (Last, First, M.I.) <u>SOMALEZ RAYMOND .M.</u>	NMCD Number <u>44215</u>	Institution <u>B.C.C.F 2B211</u>	Unit/Cell <u>1</u>
Briefly describe your legal problem or question. (Use a blank sheet of paper if additional room is needed.) <u>I NEED TO USE A COMPUTER TO LISTEN TO MY COURT TRANSCRIPTS THAT ARE ON "C.D." IT DOES NOT WORK ON A C.D. PLAYER. I NEED TO LISTEN TO IT TO FILE MY HABEAS</u>			

Date of Court imposed deadline, if known: _____

Type of assistance requested (check all that apply)

- ☐ Legal materials: policies, rules, statutes, legal texts (specify in following box)*
☐ Form packet: Tort ☐; State Habeas ☐; Civil Rights ☐; Federal Habeas ☐; State Appeal ☐
☒ Meeting with paralegal (specify reason for meeting in following box)*
☐ Copying for qualified legal claims (specify in following box)*
☐ Notary service for qualified legal claims that require notarization

*Specify requested services or materials. Specify what you want copied and which category of qualified legal claim:

I NEED TO STOP MY CASE THAT'S ON "C.D." FOR MY HABEAS

Inmate Signature <u>[Signature]</u>	Date <u>04/11/2012</u>
Designated Staff Name (Last, First, M.I.) <u>[Redacted]</u>	Designated Staff Signature <u>[Signature]</u>
	Date <u>4-12-12</u>

Review and Disposition

- ☐ Approved.
☐ Disapproved. Your complaint does not involve a qualified legal claim.
☐ Unclear. A meeting will be scheduled with designated staff to determine if assistance can be provided.

Unless disapproved, your appointment with the Designated Staff has been scheduled for date: _____

at time _____ am/pm at location _____

Staff Signature _____

Date _____

Please bring this authorization and all related documents to the meeting.

Verification of meeting:

Designated Staff Name (Last, First, M.I.) <u>[Redacted]</u>	Designated Staff Signature <u>[Signature]</u>	Date <u>04/11/2012</u>
Inmate Signature <u>[Signature]</u>	<u>#44215</u>	

RECEIVED
APR 13 2012

Attachment CD-121001.3

NEW MEXICO
CORRECTIONS DEPARTMENT

BY:.....

Staff Response to Inmate Request for Legal Assistance/Meeting


Inmate Name (Last, First, M.I.) Gonzales, Raymond	NMCD Number 44215	Institution GCEF	Unit/Cell 2B211
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Use the space below to respond to the inmate request for assistance and staple to request.

THERE IS NOT A COMPUTER THAT YOU CAN
ACCESS. YOUR CD'S ARE STILL STORED IN
THE LIBRARY.

Designated Staff's Name (Last, First, M.I.) MARTINEZ, J.	Designated Staff Signature 	Date 4-13-12
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Signature of Inmate to acknowledge receipt.

Inmate's Name (Last, First, M.I.) & Number GONZALES RAYMOND M #44215	Inmate Signature 	Date 04/13/2012
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Guadalupe County Correctional Facility

Name: RAYMOND BONDYAN

Post Office Box 520

Santa Rosa, New Mexico 88435

NMCD# 44215

Unit

H.2.B.#211

RECEIVED
At Albuquerque NM

APR 18 2012

MATTHEW L. DYKMAN
DISTRICT OF NEW MEXICO

OFFICE OF THE CLERK
SUITE 270

333 LOMAS BLVD. N.W.

D.M.

APR 18 2012 8:10 AM

LEGAL

7102220445